

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOSEPH M. La BELLA and  
PATRICIA W. La BELLA,

Plaintiffs,

v.

BANK OF AMERICA, N.A. and BAC HOME  
LOANS SERVICING LP, its subsidiary,  
jointly and severally,

Defendants.

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Case No. 12-11295

Hon. Sean F. Cox

Magistrate Judge Mark A. Randon

Transferred From:

Oakland County Circuit Court

Case No. 12-125033-CK

Hon. Colleen A. O'Brien

**STIPULATED ORDER TO STAY PROCEEDINGS PENDING SETTLEMENT**

Upon the stipulation of the parties hereto, as is evidenced by the signatures of their respective counsel below, the parties being in advanced negotiations toward a resolution of this matter through a mortgage loan modification, and the Court being otherwise fully advised in the premises:

IT IS HEREBY ORDERED THAT, a settlement conference presently scheduled before Magistrate Judge Mark. A. Randon on October 12, 2012, at 10:00 a.m. is hereby adjourned;

IT IS FURTHER ORDERED THAT Defendants' Motion to Dismiss is hereby withdrawn without prejudice to allowing Defendants to re-file on a later date and to proceed to a ruling without additional briefing or oral argument.

IT IS FURTHER ORDERED THAT the parties shall continue to pursue a negotiated resolution of this case, and shall **no later than January 7, 2013** file a joint notice indicating either:

- (1) that the case has been resolved and further court proceedings are unnecessary;
- (2) that the parties are continuing to negotiate a resolution and request more time to do so, including an estimated time for completion;
- (3) that the Court should re-notice the settlement conference , or,
- (4) that the parties have explored in good faith every potential resolution, no resolution by the parties is foreseeable, and it is necessary to proceed with a ruling on the pending Motion to Dismiss.

s/Mark A. Randon

Mark A. Randon

United States Magistrate Judge

Dated: October 12, 2012

Certificate of Service

*I hereby certify that a copy of the foregoing document was served on the parties of record on this date, October 12, 2012, electronically.*

s/Melody R. Miles

Case Manager to Magistrate Judge Mark A. Randon  
(313) 234-5540

STIPULATED TO BY:

/s/ with consent of Michael B. Rizik, Jr.

Michael B. Rizik, Jr. (P33431)

Attorneys for Plaintiffs

Email: lawyers@riziklaw.com

Dated: October 12, 2012

/s/ Mark E. Plaza

Mark E. Plaza (P66038)

Attorneys for Defendants

Email: mplaza@maddinhauser.com

Dated: October 12, 2012